UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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VITO O. REYES,

Plaintiffs,

vs.

COUNTRYWIDE HOME LOANS;
BANK OF AMERICA, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., RECONTRUST
COMPANY,

2:10-CV-00036-PMP-LRL

ORDER

Defendants.

Before the Court for consideration is Defendants' Motion to Dismiss (Doc. #5), filed on January 15, 2010, Plaintiff's Opposition thereto (Doc. #11) filed February 1, 2010, and Defendants' Reply (Doc. #12) filed February 9, 2010. Having read and considered the foregoing and having further considered the arguments of counsel presented at the hearing conducted on March 26, 2010, the Court finds that Defendants' Motion to Dismiss (Doc. #5) must be granted.

This action was commenced on November 10, 2009, in the Eighth Judicial District Court, in and for the County of Clark, State of Nevada alleging eleven separate causes of action. A Notice of Lis Pendens was recorded by Plaintiff on the same date. On January 12, 2010, Defendants' Countrywide, Recontrust Company and Bank of America removed the action to this Court (Doc. #1). By their motion to dismiss, Defendants argue each of the eleven claims for relief set forth in Plaintiff's

| 1 | Complaint must be dismissed for failure to state a claim pursuant to Rule 12(b)(6) of |
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| 2 | the Federal Rules of Civil Procedure. Defendants further argue that Plaintiff's |
| 3 | various claims for fraud are defficient because they are not plead with sufficient |
| 4 | particularity as required by Rule 9(b) of the Federal Rules of Civil Procedure, and |
| 5 | are barred by applicable statutes of limitations. |
| 6 | For the reasons set forth in Defendants' Motion to Dismiss (Doc. #5) and |
| 7 | Reply (Doc. #12), the Court finds that Defendants are entitled to the relief requested. |
| 8 | IT IS THEREFORE ORDERED that Defendants Countrywide Home |
| 9 | Loans, Inc., Bank of America and Recontrust Company's Motion to Dismiss |
| 10 | (Doc. #5) is GRANTED . |
| 11 | IT IS FURTHER ORDERED that the Clerk of Court shall enter |
| 12 | judgment in favor of Defendants Countrywide Home Loans, Inc., Bank of America |
| 13 | and Recontrust Company and against Plaintiff Vito O. Reyes. |
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| 15 | DATED: April 12, 2010. |
| 16 | Phy M. On |
| 17 | PHILIP M. PRO |
| 18 | United States District Judge |
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